

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 568
93RD GENERAL ASSEMBLY

Reported from the Committee on Aging, Families, Mental and Public Health, March 15, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3360S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 701.302, RSMo, and to enact in lieu thereof three new sections relating to the children's environmental health and protection advisory council.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 701.302, RSMo, is repealed and three new sections
2 enacted in lieu thereof, to be known as sections 192.990, 192.992, and 192.994,
3 to read as follows:

**192.990. 1. There is hereby established within the department of
2 health and senior services the "Children's Environmental Health and
3 Protection Advisory Council". The council shall consist of twenty-three
4 members that are residents of this state. The members of the council
5 shall include:**

6 **(1) Two members of the senate, one from each of the major
7 political parties, appointed by the president pro tempore of the senate,
8 to serve for a term of two years;**

9 **(2) Two members of the house of representatives, one from each
10 of the major political parties, appointed by the speaker of the house of
11 representatives, to serve for a term of two years;**

12 **(3) The director of the department of health and senior services,
13 or the director's designee, who shall serve as chairperson;**

14 **(4) The director of the department of social services, or the
15 director's designee;**

16 **(5) The director of the department of agriculture, or the
17 director's designee;**

18 **(6) The director of the department of natural resources, or the
19 director's designee;**

20 (7) The commissioner of the department of elementary and
21 secondary education, or the commissioner's designee;

22 (8) The director of the department of economic development, or
23 the director's designee;

24 (9) One licensed pediatric health care provider with expertise in
25 the field of children's environmental health and expertise with
26 toxicology, appointed by the governor, with the advice and consent of
27 the senate, to serve for a term of two years;

28 (10) One licensed pediatric health care provider with expertise
29 in the field of children's environmental health and expertise with
30 epidemiology, appointed by the governor, with the advice and consent
31 of the senate, to serve for a term of two years;

32 (11) One representative of a local public health agency,
33 appointed by the governor, with the advice and consent of the senate,
34 to serve for a term of two years;

35 (12) One parent or guardian whose child has been clinically
36 diagnosed as having been exposed to environmental health hazards
37 including lead paint or pesticides, appointed by the governor, with the
38 advice and consent of the senate, to serve for a term of two years;

39 (13) One economist skilled in measuring the economic costs of
40 illness and the benefits of prevention, appointed by the governor, with
41 the advice and consent of the senate, to serve for a term of two years;

42 (14) One individual employed in the field of lead abatement,
43 appointed by the governor, with the advice and consent of the senate,
44 to serve for a term of three years;

45 (15) One individual from private industry with expertise in
46 pesticides, appointed by the governor, with the advice and consent of
47 the senate, to serve for a term of three years;

48 (16) An employee of a public school district whose duties include
49 working with children's environmental health issues, appointed by the
50 governor, with the advice and consent of the senate, to serve for a term
51 of three years;

52 (17) An employee of a private school whose duties include
53 working with children's environmental health issues, appointed by the
54 governor, with the advice and consent of the senate, to serve for a term
55 of three years;

56 (18) Two representatives of public interest organizations

57 promoting environmental health and advocating for the protection of
58 children's health, one of whom shall have knowledge and experience
59 regarding the effects of lead poisoning, appointed by the governor, with
60 the advice and consent of the senate, to serve for a term of three years;

61 (19) One representative of an organization that represents or
62 advocates on behalf of tenants or tenant rights, appointed by the
63 governor, with the advice and consent of the senate, to serve for a term
64 of three years;

65 (20) The chairperson of the children's services commission, or
66 the chairperson's designee.

67 2. Members of the council shall be appointed by February 1,
68 2007. Any vacancy on the council shall be filled in the same manner as
69 the original appointment. After the initial members are appointed, any
70 subsequent member appointed by the governor shall serve for a term
71 of three years. The council shall sunset on June 30, 2012, unless
72 reauthorized by the general assembly.

192.992. 1. Members shall serve without compensation but shall,
2 subject to appropriations, be reimbursed for reasonable and necessary
3 expenses actually incurred in the performance of the member's official
4 duties.

5 2. The department of health and senior services shall, subject to
6 appropriation, provide administrative support and staff as necessary
7 for the operation of the council.

8 3. Subject to the availability of funds, the advisory council may
9 contract with consultants.

10 4. Meetings shall be at the call of the chairperson, or at the call
11 of the majority of the advisory council.

192.994. 1. Any state department which receives a fiscal note
2 request on proposed legislation that may impact environmental hazards
3 that affect the health of children shall send a copy of such request to
4 the council for review.

5 2. Any state department that is proposing a rule, regulation, or
6 standard which may impact environmental hazards that affect the
7 health of children shall send such rule, regulation, or standard to the
8 council for review.

9 3. The advisory council shall:

10 (1) Hold public hearings to gather information from the general

11 **public on issues pertaining to children's environmental health and**
12 **protection;**

13 **(2) Evaluate existing children's environmental health programs**
14 **and identify any children's environmental health issues that are not**
15 **currently being addressed;**

16 **(3) Recommend policies to respond to unaddressed issues**
17 **involving children's environmental health;**

18 **(4) Recommend uniform guidelines for state agencies to follow**
19 **to help reduce and eliminate children's exposure to environmental**
20 **hazards, especially in areas reasonably accessible to children;**

21 **(5) Gather and disseminate information to the public including**
22 **the research and medical communities, community-based organizations,**
23 **schools, and state agencies on how to reduce, treat, and eliminate**
24 **children's exposures to environmental hazards and to further the**
25 **public's understanding of the environmental hazards that may**
26 **potentially affect children;**

27 **(6) Recommend education programs, in partnership with health**
28 **and environmental professionals, for parents, guardians, and caregivers**
29 **of children that include information on:**

30 **(a) The potential health effects of environmental hazards;**

31 **(b) Practical suggestions on how to reduce children's exposure**
32 **to environmental hazards;**

33 **(c) Any existing scientific research regarding the reactions of**
34 **children to environmental contaminants; and**

35 **(d) Lead poisoning;**

36 **(7) Identify additional resources, either through a tax or fee**
37 **structure, to implement programs necessary to address children's**
38 **environmental health problems and issues;**

39 **(8) Assign one staff support person to review all proposed**
40 **legislation sent to the council, to determine if such legislation may**
41 **impact environmental hazards that affect the health of children, and**
42 **shall refer any such proposed legislation to the subcommittee**
43 **established in subdivision (11) of subsection 1 of this section which**
44 **shall review such legislation to determine any impact on environmental**
45 **hazards that affect the health of children, and to determine if such**
46 **legislation adequately protects the health of children from**
47 **environmental hazards, and shall report any recommendations to the**

48 general assembly prior to the time that such legislation is debated by
49 the body in which the legislation originated;

50 (9) Review all proposed rules, regulations, and standards within
51 thirty days after such rule, regulation, or standard is published in the
52 Missouri Register, to determine any impact on environmental hazards
53 that affect the health of children, and to determine if the proposed rule,
54 regulation, or standard adequately protects the health of children from
55 environmental hazards, and shall report any recommendations within
56 the thirty-day period to the department that is promulgating such rule,
57 regulation, or standards, and shall send a copy of such recommendation
58 to the joint committee on administrative rules;

59 (10) Provide recommendations regarding section 143.1006, RSMo,
60 and sections 701.304, 701.305, 701.306, 701.308, 701.309, 701.311, 701.312,
61 701.313, 701.314, 701.317, 701.320, 701.328, and 701.337, RSMo, to enhance
62 Missouri's ability to reduce children's exposure to lead;

63 (11) Establish a subcommittee, which shall work in conjunction
64 with the department of health and senior services to determine which
65 existing statutes and regulations shall be reviewed by the council in
66 addition to the statutory sections enumerated in the subdivision (10) of
67 subsection 1 of this section, and once determined, the council shall
68 review such statutes and regulations to determine any impact on
69 environmental hazards that affect the health of children, and shall
70 report any recommendations to the general assembly within a
71 reasonable time;

72 (12) Provide recommendations relating to actions to eradicate
73 childhood lead poisoning by the year 2012;

74 (13) Provide an annual report on the activities of the council to
75 the members of the general assembly and the governor by February
76 first of each year. Such reports shall include, but not be limited to, the
77 following:

78 (a) Issues and recommendations developed by the council;

79 (b) Information regarding the impact and effectiveness of prior
80 recommendations, if any have been implemented;

81 (c) Review of current policies regarding the exposure of
82 environmental hazards to children; and

83 (d) An update on efforts to eradicate childhood lead poisoning
84 by 2012.

85 **4. The department of health and senior services may accept on**
86 **behalf of the council any federal funds, gifts, donations from**
87 **individuals, private organizations, and foundations, and any other**
88 **funds that may become available.**

 [701.302. 1. There is hereby established the "Advisory
2 Committee on Lead Poisoning". The members of the committee
3 shall consist of twenty-seven persons who shall be appointed by the
4 governor with the advice and consent of the senate, except as
5 otherwise provided in this subsection. At least five of the members
6 of the committee shall be African-Americans or representatives of
7 other minority groups disproportionately affected by lead
8 poisoning. The members of the committee shall include:

9 (1) The director of the department of health and senior
10 services or the director's designee, who shall serve as an ex officio
11 member;

12 (2) The director of the department of economic development
13 or the director's designee, who shall serve as an ex officio member;

14 (3) The director of the department of natural resources or
15 the director's designee, who shall serve as an ex officio member;

16 (4) The director of the department of social services or the
17 director's designee, who shall serve as an ex officio member;

18 (5) The director of the department of labor and industrial
19 relations or the director's designee, who shall serve as an ex officio
20 member;

21 (6) One member of the senate, appointed by the president
22 pro tempore of the senate, and one member of the house of
23 representatives, appointed by the speaker of the house of
24 representatives;

25 (7) A representative of the office of the attorney general,
26 who shall serve as an ex officio member;

27 (8) A member of a city council, county commission or other
28 local governmental entity;

29 (9) A representative of a community housing organization;

30 (10) A representative of property owners;

31 (11) A representative of the real estate industry;

32 (12) One representative of an appropriate public interest

33 organization and one representative of a local public health agency
34 promoting environmental health and advocating protection of
35 children's health;

36 (13) A representative of the lead industry;

37 (14) A representative of the insurance industry;

38 (15) A representative of the banking industry;

39 (16) A parent of a currently or previously lead-poisoned
40 child;

41 (17) A representative of the school boards association or an
42 employee of the department of elementary and secondary
43 education, selected by the commissioner of elementary and
44 secondary education;

45 (18) Two representatives of the lead abatement industry,
46 including one licensed lead abatement contractor and one licensed
47 lead abatement worker;

48 (19) A physician licensed under chapter 334, RSMo;

49 (20) A representative of a lead testing laboratory;

50 (21) A lead inspector or risk assessor;

51 (22) The chief engineer of the department of transportation
52 or the chief engineer's designee, who shall serve as an ex officio
53 member;

54 (23) A representative of a regulated industrial business;
55 and

56 (24) A representative of a business organization.

57 2. The committee shall make recommendations relating to
58 actions to:

59 (1) Eradicate childhood lead poisoning by the year 2012;

60 (2) Screen children for lead poisoning;

61 (3) Treat and medically manage lead-poisoned children;

62 (4) Prevent lead poisoning in children;

63 (5) Maintain and increase laboratory capacity for lead
64 assessments and screening, and a quality control program for
65 laboratories;

66 (6) Abate lead problems after discovery;

67 (7) Identify additional resources, either through a tax or fee
68 structure, to implement programs necessary to address lead

69 poisoning problems and issues;

70 (8) Provide an educational program on lead poisoning for
71 the general public and health care providers;

72 (9) Determine procedures for the removal and disposal of all
73 lead contaminated waste in accordance with the Toxic Substances
74 Control Act, as amended, 42 U.S.C. 2681, et seq., solid waste and
75 hazardous waste statutes, and any other applicable federal and
76 state statutes and regulations.

77 3. The committee members shall receive no compensation
78 but shall, subject to appropriations, be reimbursed for actual and
79 necessary expenses incurred in the performance of their duties. All
80 public members and local officials shall serve for a term of two
81 years and until their successors are selected and qualified, and
82 other members shall serve for as long as they hold the office or
83 position from which they were appointed.

84 4. No later than December fifteenth of each year, the
85 committee shall provide a written annual report of its
86 recommendations for actions as required pursuant to subsection 2
87 of this section to the governor and general assembly, including any
88 legislation proposed by the committee to implement the
89 recommendations.

90 5. The committee shall submit records of its meetings to the
91 secretary of the senate and the chief clerk of the house of
92 representatives in accordance with sections 610.020 and 610.023,
93 RSMo.]

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